

From the
INTERNATIONAL SEARCHING AUTHORITY

10/515382
PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/CH2004/000193

International filing date (day/month/year)
30.03.2004

Priority date (day/month/year)
31.03.2003

International Patent Classification (IPC) or both national classification and IPC
D04H13/00, B60R13/08, B32B5/26, E04B1/82, G10K11/162

Applicant
RIETER TECHNOLOGIES AG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

10/551382
JC12 Rec'd PCT/ATC 29 SEP 2005

International application No.
PCT/CH2004/000193

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/CH2004/000193

Box No. II Priority

1. ☒ The following document has not been furnished:
- ☒ copy of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(a)).
 - ☐ translation of the earlier application whose priority has been claimed (Rule 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-12
Inventive step (IS)	Yes: Claims	
	No: Claims	1-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V.

- 1 The following documents are referred to in this communication:

D1 : EP 0 841 156 A (JAPAN ABSORBENT TECHNOLOGY INS) 13 May 1998
(1998-05-13)

D2: US-B-6 217 6911 (CLOCKSIN KENNETH ANDREW ET AL) 17 April 2001
(2001-04-17)

2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 (See on page 7, lines 16-42; Example 4; Fig. 3A) discloses a nonwoven comprising a porous fibrous skeleton made of spunbonded fibers (Fig. 3A, "layer B"), and which fibrous skeleton has a continuously changing weight quota of melted-on microfibrinous material in a front surface region (Fig. 3A, "layer A" / "layer A/B"; Example 4: meltblown fibers), said melted-on microfibrinous material clinging to the spunbond fibers and bonding these in such a manner that the nonwoven has a predetermined air flow resistance and is stiffened at least in its surface region (Example 4).

It is to be noted that the nonwoven disclosed in D1, Example 4 is manufactured according to the same process steps as disclosed in the present application, namely: I) placing a nonwoven comprising microfibers (Ex. 4: melt blown fibers; Fig. 3A, Layer A) on top of a nonwoven made of skeleton fibers (Ex. 4: spunbond fibers; Fig. 3A, Layer B), the fiber materials being chosen such that the melting temperature of the skeleton is higher than that of the microfibers; ii) Subjecting the microfibers layer to pressure water jets in order to twist the microfibrinous nonwoven around the coarse fibers (See Ex. 4, p. 13, l. 55-56: "a temporary conjugaison state was obtained"); iii) Subjecting the nonwoven so obtained to a certain temperature by means of a heat source, at which temperature the fibers of the microfibrinous nonwoven are melted-on at least superficially.

Therefore, since the starting materials and the process steps are the same, the end product must inevitably display the same properties, that is to say being an acoustically effective nonwoven with a predetermined air flow resistance and a predetermined bending stiffness, although D1 does not explicitly refer to the acoustical properties of the nonwoven

disclosed therein.

In view of this, subject-matter of claim 1 lacks novelty over D1 (Article 33(2) PCT).

3 DEPENDENT CLAIMS 2-12

Dependent claims 2-12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT), the reasons being as follows:

- a) Claims 2-4: See D1, Ex. 4;
- b) Claims 5-6: See D1, Ex. 4; the microfibers are meltblown fibers;
- c) Claim 7: See D1, page 3, lines 14-16;
- d) Claims 8-9: Since the nonwoven disclosed in D1 is manufactured according the same process steps and with the same starting materials, it must inevitably display the same properties;
- e) Claims 10-12: See D1.

4 INDUSTRIAL APPLICABILITY

For the assessment of the present claims on the question whether they are industrially applicable, no particular reasoning would appear necessary. The industrial applicability would appear to be evident (Article 33(4) PCT).

5 MISCELLANEOUS

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents **D1 and D2** is not mentioned in the description, nor are these documents identified therein.